

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

OP.No. 37356 of 2001(V)

PETITIONERS:

1. **V.M.KKUMARN, S/O.MADHAVAN,
VALIYAKOTTUNGAL HOUSE,
BISONVALLEY, IDUKKI DISTRICT,
RESIDING AT KANAKAKKUDAM HOUSE,
SINGKANDOM, CHINNAKKANAL.**
2. **BAIJU KUMARN, VALIYAKOTTUNGAL,
SINGKANDOM, CHINNAKKANAL.**
3. **SHABU KUMARAN, VALIYAKOTTUNGAL,
SINGKANDOM, CHINNAKKANAL.**
4. **SUNIL KUMAR, S/O. RAGHAVAN,
MALIAKKAL, SINGKANDOM, CHINNAKKANAL.**

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

1. **STATE OF KERALA, REP.BY SECRETARY TO
GOVERNMENT, REVENUE DEPARTMENT,
THIRUVANANTHAPURAM.**
2. **REVENUE DIVISIONAL OFFICER, DEVIKULAM.**
3. **TAHSILDAR, UDUMVBANCHOLA.**
4. **VILLAGE OFFICER, CHINNAKKANAL.**
5. **DIVISIONAL FOREST OFFICER, MUNNAR.**
6. **FOREST RANGE OFFICER, DEVIKULAM.**

BY GOVERNMENT PLEADER SRI.K.U.MANOJ KUMAR

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

**ORDER ON CMP.NOS.61185/01, 47204/02,47931/02,
23559/02, 8372/03, 48940/02 IN OP. 37356/01**

DISMISSED

20.06.2007

SD/- KURIAN JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE AGREEMENT DT. 14.12.88 EXECUTED BY THE 1ST PETITIONER AND GURUSHANKAR.

EXT.P2:- COPY OF THE JUDGMENT IN OS. NO.27/99 IN THE COURT OF THE MUNSIFF DEVIKULAM DT. 9.4.99.

EXT.P3:- COPY OF THE COMMISSION REPORT DT. 6.4.99 SUBMITTED IN IA. NO.103/99 IN OS. NO.27/99 IN THE COURT OF THE MUNSIFF, DEVIKULAM.

EXT.P4:- COPY OF THE POSSESSION CERTIFICATE NO.731/94 DT. 21.12.94 ISSUED BY THE 4TH RESPONDENT TOP THE 2ND PETITIONER.

EXT.P5:- COPY OF THE POSSESSION CERTIFICATE NO.735/4 DT. 21.12.94 ISSUED BY THE 4TH RESPONDENT TO THE 1ST PETITIONER.

EXT.P6:- COPY OF THE POSSESSION CERTIFICATE NO.732/94 DT. 21.12.04 ISSUED BY THE 4TH RESPONDENT TO THE 3RD PETITIONER.

EXT.P7:- COPY OF THE APPLICATION DT. 30.1.01 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 5TH RESPONDENT.

EXT.P8:- COPY OF THE PETITION SUBMITTED BY THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT DT. 23.12.98.

EXT.P9:- COPY OF THE APPLICATION SUBMITTED BY THE 1ST PETITIONER BEFORE THE 3RD RESPONDENT DT. 10.9.99.

EXT.P10:- COPY OF THE APPLICATION SUBMITTED BY THE 2ND PETITIONER BEFORE THE 3RD RESPONDENT DT. 10.9.99.

EXT.P11:- COPY OF THE APPLICATION SUBMITTED BY THE 3RD PETITIONER BEFORE THE 3RD RESPONDENT DT. 10.9.99.

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EXT.P12:- COPY OF THE APPLICATION SUBMITTED BY THE 4TH PETITIONER BEFORE THE 3RD RESPONDENT DT. 10.9.99.

EXT.P13:- COPY OF THE JUDGMENT PASSED BY THE HONOURABLE COURT IN OP. NO.30901/2000 DT. 17.1.01.

EXT.P14:- COPY OF THE LETTER NO.M1-2599/01 DT. 16.8.2001 ISSUED BY THE 5TH RESPONDENT TO THE 1ST PETITIONER.

EXT.P15:- COPY OF THE CERTIFICATE DT. 5.12.97 ISSUED TO THE 1ST PETITIONER BY THE SECRETARY, CHINNAKKANAL GRAMA PANCHAYAT.

/TRUE COPY/

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KURIAN JOSEPH J.

O.P. NO.37356 OF 2001

Dated 20th June, 2007.
J U D G M E N T

The writ petition is filed mainly with the following
prayer :-

“To issue a writ of mandamus declaring that the property of the petitioners is not a forest land and that it is revenue land in the possession of the petitioners for the past several years and to direct the respondents to issue patta in respect of the same.”

It is stated in the counter affidavit that the petitioners are rank encroachers of forest land. Be that as it may, in view of the stand taken in the counter affidavit and since the petitioners have sought for a writ of mandamus, it is for them to approach the competent authority. It is seen that pursuant to the directions issued by this Court, The Divisional Forest Officer has passed Ext.P14 order stating that the land in question is in the absolute enjoyment and ownership of the Forest Department and the petitioners have no right over the same. In case the petitioners have still any dispute on the facts, it is for them to pursue the grievance before the Government.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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OP NO.

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KURIAN JOSEPH, J.

O.P. NO.37356 OF 2001 (V)

J U D G M E N T

Dated 20th June, 2007.